

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

FEDERAL CARBIDE COMPANY,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	Civil Action No. 3:15-cv-248
EXETER CONSTRUCTION, LLC., and	)	
DENNIS B. BALLARD,	)	
	)	
Defendants.	)	

**FEDERAL CARBIDE COMPANY’S MOTION TO DISMISS  
DEFENDANT EXETER CONSTRUCTION, LLC’S COUNTERCLAIM**

Pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, Plaintiff Federal Carbide Company (“FCC”), by and through its undersigned counsel, K&L Gates LLP, moves to dismiss the counterclaim filed by Defendant Exeter Construction, LLC (“Exeter”) for all the reasons set forth in FCC’s Brief in Support of Motion to Dismiss which is being filed simultaneously and incorporated herein.

WHEREFORE, Plaintiff Federal Carbide Company respectfully requests that the Court dismiss the counterclaim filed by Defendant Exeter Construction, LLC with prejudice. A proposed order is attached hereto.

Dated: April 6, 2016

/s/ William D. Wickard

Jason L. Richey, Esquire

Pa. I.D. # 78943

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*Counsel for Plaintiff*

*Federal Carbide Company*

**CERTIFICATE OF SERVICE**

I hereby certify that on April 6, 2016, a copy of foregoing was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to the following individuals and all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail. Parties may access this filing through the Court's system.

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/s/ William D. Wickard